

**Remarks/Arguments:**

Claims 23, 59-62 and 95-105 are pending in the above-identified application. Claims 1-22, 24-58, and 63-94 have been previously canceled. Claims 23, 59-62, and 95-105 stand rejected. By the present Amendment, claims 23, 59-62, and 95 are amended.

**Rejection of Claims 23, 59-62 and 95-105 Under 35 U.S.C. § 103(a)**

Claims 23, 59-62, and 95-105 are rejected under 35 U.S.C. § 103(a) for allegedly being obvious over U.S. Patent No. 5,918,002 to Klemets et al. ("Klemets") in view of U.S. Patent No. 5,602,956 to Suzuki et al. ("Suzuki"). Although not conceding the rejections, Applicants have amended independent claims 23, 59-62 and 95 to expedite prosecution. It is respectfully submitted that the pending claims are patentable over Klemets and Suzuki for the reasons set forth below.

In particular, neither Klemets, nor Suzuki, nor their combination discloses or suggests all of the features of amended claim 23, namely:

determining a priority threshold to achieve a desired transmission rate for a stream of video or audio data comprising a header, a **priority offset**, and a plurality of portions of encoded information, the header including stream priority information comprising a stream priority and each portion of the encoded information including priority information comprising a priority for the each portion of the encoded information;

transmitting portions of the encoded information when a **combination of the stream priority, the priority offset, and the priority of the transmitted portions of the encoded information** satisfies the priority threshold and not transmitting other portions of the encoded information when a **combination of the stream priority, the priority offset, and the priority of the other portions of the encoded information** does not satisfy the priority threshold to thin the transmitted encoded information . . .

(emphasis added)

These features are found in the originally filed application at page 32, lines 14-25 and page 39, lines 10-24. No new matter has been added.

To expedite prosecution, Applicants have amended the independent claims to clarify the features relating to priorities. In particular, Applicants have amended claim 23 to recite the inclusion of a priority offset in a stream and features associated with the priority offset. Applicants' application identifies that including a priority offset in a stream allows for a dynamic priority to be set to correspond to the operation state of a system. (See Application, page 32, lines 14-25.) The Application gives a specific example of priority offsets being combined with frame priorities to determine whether frames are to be processed. (See Application, page 39, lines 10-16.) Specifically, a frame's priority is added to a priority offset and the combination is compared to a threshold. (See Application, page 39, lines 11-14.) If the offset frame priority satisfies the threshold, the frame data is decoded. (See Application, page 39, lines 14-16.) Thus, transmitting priority offsets allows for the processing of stream information to be thinned out. (See Application, page 39, lines 17-24.)

In addition to describing the inclusion of priority offsets in streams, the application describes including priority information in a stream's header to allow the processing of video or audio stream data to be controlled at an operating-system ("OS") level because such priority information need not be decoded. (See Application, page 36, lines 4-14.) More specifically, the stream priority may be used at the OS level to control a time assigned to the OS for decoding the stream. (See Application, page 36, lines 4-14.) Additionally, including encoded priority information in the stream's encoded audio or video information allows for the stream to be thinned by dropping encoded information as needed. (See Application, page 41, line 16 - page 42, line 8). Thus, a terminal under overload may still be able to process remaining stream information. (See Application, page 41, line 16 - page 42, line 8).

I. Klemets

The portions of Klemets cited by the Office Action in rejecting claim 23 do not disclose or suggest a stream comprising all of (1) a priority offset, (2) stream priority information in the

stream's header, and (3) encoded priority information in the stream's encoded information. The Office Action cites to col. 12, lines 15-16 of Klemets in asserting that it discloses priority thresholds and to col. 12, lines 8-20 of Klemets in asserting that it discloses including priority data in a stream's encoded data (assertions which Applicants do not concede). (See Office Action, pages 2-3.) These portions of Klemets does not disclose or suggest sending or processing all of (1) priority information located in a stream's header, (2) priority information encoded within the stream and (3) **priority offsets** located in the stream. Thus, Applicants respectfully contends that Klemets does not disclose or suggest "determining a priority threshold to achieve a desired transmission rate for a stream of video or audio data comprising a header, **a priority offset**, and a plurality of portions of encoded information, the header including stream priority information comprising a stream priority and each portion of the encoded information including priority information comprising a priority for the each portion of the encoded information," as required by amended claim 23.

Further, these portions of Klemets do not disclose combining stream priorities or priority information of encoded information with priority offsets. Thus, Applicants respectfully contends that Klemets does not disclose or suggest "transmitting portions of the encoded information when **a combination of the stream priority, the priority offset, and the priority of the transmitted portions of the encoded information** satisfies the priority threshold and not transmitting other portions of the encoded information when **a combination of the stream priority, the priority offset, and the priority of the other portions of the encoded information** does not satisfy the priority threshold to thin the transmitted encoded information . . . ," as required by amended claim 23.

## II. Suzuki

The Office Action cites to FIG. 31 of Suzuki in asserting that it discloses including stream priority data in a stream header. Applicants contend that FIG. 31 of Suzuki does not disclose or

suggest sending or processing priority offsets located in the stream. Applicants also contend that FIG. 31 does not disclose or suggest combining a priority offset with either of a stream priority or priority information of encoded information. Thus, Applicants respectfully assert that Suzuki does not disclose or suggest all of the features of claim 23 missing from Klemets.

III. Conclusion on the Rejection of claim 23

In view of the foregoing, Applicants respectfully contend that neither Klemets, nor Suzuki, nor their combination discloses or suggests all of the above-quoted features of amended claim 23. Accordingly, Applicants respectfully request that the rejection of claim 23 be withdrawn and that the claim be reconsidered and allowed.

IV. Claims 59-62 and 95-105

Claims 59-62 and 95, while not identical to claim 23, include features similar to those of claim 23 discussed above. Accordingly, Applicants respectfully contend that the portions of Klemets and Suzuki cited in the Office Action against claims 59-62 and 95 do not disclose or suggest all of the features of the claims, as amended similarly to claim 23, for at least the same reasons as discussed above with respect to amended claim 23. Favorable reconsideration and allowance of claims 59-62 and 95 is respectfully requested.

Claims 96-105 respectively depend from certain of claims 23, 59-61, and 95 and, therefore, include all of the features of the claims from which they depend. Accordingly, Applicants respectfully contend that the portions of Klemets and Suzuki recited in the Office Action against claims 23, 59-61 and 95 do not disclose or suggest all of the features of claims 96-106 for at least the same reasons as discussed above with respect to amended claim 23. Favorable reconsideration and allowance of claims 96-105 is respectfully requested.

**Conclusion**

In view of the foregoing, Applicants respectfully contend that the application is in condition for allowance and request early notification to that effect.

Respectfully submitted,



---

Allan Ratner, Reg. No. 19,717  
Attorney for Applicants

PKZ/dmw

Dated: June 20, 2008

P.O. Box 980  
Valley Forge, PA 19482  
(610) 407-0700

NM268026